

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MARY HJELM,

Plaintiff,

v.

ASSET ACCEPTANCE, LLC; SUTTELL  
& ASSOCIATES, P.S.; ISSAC  
HAMMER, and JANE DOE HAMMER,  
husband and wife,

Defendants.

No. CV-09-129-LRS

ORDER SETTING  
SETTLEMENT CONFERENCE

----- ACTION REQUIRED -----

----- THREE (3) DATES -----  
TO BE CALENDARED

By referral from the Honorable Lonny R. Suko, and with the consent of the parties to this action, a settlement conference shall commence **January 20, 2010**, at **9:00 a.m.**, before the undersigned, in Room 740, United States Courthouse, Spokane, Washington.

1. **Unless previously excused by the undersigned, for good cause,** in addition to counsel who will try the case, all parties, (including the person with full settlement authority) also must be physically present at this conference. The person with full settlement authority must have the ability, within his or her discretion, to permit payment in full of the request for relief under the claims, counterclaims, and cross-claims.

2. Counsel of record will be responsible for timely advising any involved non-party insurance company of the requirements of this Order. This magistrate judge may, in her discretion, converse with the lawyers, the parties, the insurance representatives, or any one of them, outside the hearing of the other prior to and during the conference. Conferences typically are scheduled for a full,

1 uninterrupted business day.

2 3. Prior to the settlement conference, the attorneys are  
3 directed to discuss settlement with their respective clients and  
4 insurance representatives, so the parameters of settlement have been  
5 explored well in advance of the settlement conference.  
6 Specifically, on or before December 30, 2009, Plaintiff's shall  
7 serve upon Defendants, with an *in camera* copy to the undersigned's  
8 chambers, a written offer of settlement, which includes monetary and  
9 non-monetary components, if any, with supporting reasons, and with  
10 an itemization of Plaintiff's damages, unless an itemization of  
11 damages previously has been provided. Within two business days of  
12 Plaintiff's offer, Defendants shall serve, with an *in camera* copy to  
13 the undersigned's chambers, their counter-offer with supporting  
14 reasons. Failure to comply with this paragraph may result in  
15 cancellation or rescheduling of the settlement conference.

16 4. The purpose of the settlement conference is to permit an  
17 informal discussion among the attorneys, parties, non-party  
18 indemnitors or insurers, and this magistrate judge of every aspect  
19 of the lawsuit bearing on its settlement value.

20 5. In preparation for the settlement conference, no later than  
21 noon, January 6, 2010, the attorneys for each party shall submit an  
22 *in camera* letter, labeled confidential, not to be filed, to this  
23 magistrate judge which sets forth the following:

- 24 a. Name and title of the client who will accompany counsel to  
25 the conference, will be present throughout the conference,  
26 and will be authorized to enter into a settlement  
27 agreement, and the names and titles of any other persons  
28 who will accompany counsel to the conference;

- b. A brief analysis of key issues involved in the litigation;
- c. A description of the strongest and weakest points in the client's case, both legal and factual (the parties are invited to include as letter attachments copies of key depositions);
- d. A description of the strongest and weakest points in the opponent's case, both legal and factual;
- e. Itemization of damages, fees, and costs;
- f. Status of any settlement negotiations, including the last settlement proposal made by the client and opposing parties;
- g. Settlement proposal the client believes to be fair; and
- h. Settlement proposal the client is willing to accept to conclude the matter and stop the expense of litigation.

**Failure to submit an *in camera* letter may result in cancellation or rescheduling of the settlement conference.**

All communications made in connection with the settlement conference are confidential and will not be disclosed. Any documents requested and submitted for the settlement conference will be maintained in chambers and will be destroyed after the conference. Neither the settlement conference statements nor any communications occurring during the settlement conference can be used by any party with regard to any aspect of the litigation or trial of this case.

**IT IS SO ORDERED.**

DATED August 26, 2009.

S/ CYNTHIA IMBROGNO  
UNITED STATES MAGISTRATE JUDGE